IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CRIMINAL REVISION PETITION NO. 893/2006

SHYAMLAL Vs. OM PRAKASH PARASHAR & ORS.

DATE: 02.05.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. Manohar Singh Kumawat for the petitioner.
Mr. B.K. Sharma, Public Prosecutor for the State.

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The present criminal revision petition under Section 397 r/w Section 401 Cr.P.C. is preferred by the petitioner against the order dated 19.02.2005 passed by the Civil Judge (Sr. Division) & Additional Chief Judicial Magistrate, Sambhar Lake, District Jaipur in Criminal Complaint No. 01/2005, whereby the complaint filed by the complainant-petitioner has been dismissed.

Learned counsel for the petitioner submits that the Court below has not considered the evidence recorded in support of the complaint under Section 202 Cr.P.C. and the complaint has been dismissed only on the ground that there are minor contradictions in the evidence and it is also observed that earlier also to maintain peace proceeding under Section 107 Cr.P.C. has been initiated, but the independent evidence has not

been properly considered as on the date of the incident Saleem who is the independent witness has deposed that scuffle took place between the parties.

Without expressing any opinion on the merits of the case, in the interest of justice, I deem it proper to quash and set-aside the impugned order dated 19.02.2005 passed by the Civil Judge (Sr. Division) & Additional Chief Judicial Magistrate, Sambhar Lake, District Jaipur and remand the matter back to the Court below for fresh adjudication with the direction to pass fresh order in accordance with the provisions of law after properly appreciating the evidence recorded in support of the complaint under Section 202 Cr.P.C.

With the aforesaid observations, the revision petition stands disposed of.

(K.S. RATHORE),J.

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